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राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, १ जून, १९७३/११ ज्येष्ठ, १८९५

GOVERNMENT OF HIMACHAL PRADESH PANCHAYATI RAJ DEPARTMENT NOTIFICATION

Simla-2, the 5th April, 1973

No. 4-2/71-CDP (PNT)-II. In exercise of the powers conferred by section 163 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh proposes to make the following draft rules entitled as the Himachal Pradesh Panchayat Samities (Cooption of Members) Rules, 1972 and the same are hereby published in the official Gazette for the information of the general public and a notice is hereby given that these draft rules will be taken into consideration after fifteen days from the date of publication in the Gazette.

If any person affected thereby, desires to take any objection or has any suggestion to make, regarding these draft rules he can send the same to the Director of Panchayati Raj, Himachal Pradesh, Simla-4 before the expiry of the above period. The objections or suggestions, if any, so received, will be taken into consideration before finalising these rules.

DRAFT RULES

Short title,
commence-
ment and
repeal.

1. (1) These rules may be called the Himachal Pradesh Panchayat Samitis (Cooptation of Members) Rules, 1972.

(2) They shall come into force on such date as may be notified in that behalf by the State Government in the official Gazette.

(3) All rules made under the Punjab Panchayat Samitis and Zila Parishads Act, 1961, as in force in the transferred territory, are hereby repealed, but notwithstanding such repeal, anything done or any action taken in exercise of powers conferred by such repealed rules, shall be deemed to have been done or taken under these rules.

Defini-
tions.

2. In these rules, unless the context otherwise requires,—

(a) 'Act' means the Himachal Pradesh Panchayati Raj Act, 1968;

(b) 'Form' means a form appended to these rules;

(c) 'Primary member' means a person elected under clause (a) of section 63 of the Act;

(d) 'Section' means a section of the Act; and

(e) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

Notice of
special
meeting for
cooption.
Section 63
(b) of the
Act.

3. (1) After a notification of election of primary members of a Panchayat Samiti has been issued, the Deputy Commissioner or any Gazetted Officer appointed by him in this behalf (hereinafter referred to as 'Presiding Officer'), shall convene a meeting of those members at the office of the Panchayat Samiti or at such other place as he may determine in this behalf for the purpose of coopting members as required by clause (b) of section 63. Such meeting shall be convened after giving five days' clear notice to the members.

(2) The notice referred to in sub-rule (1) shall state—

(i) the date, time and place of meeting;

(ii) the number of women, elected as Primary Members, and the number, if any, of women to be coopted;

(iii) the number of person belonging to Scheduled Castes elected as Primary Members and the number, if any, of such persons to be coopted; and

(iv) the number of persons, representing Cooperative Societies within the jurisdiction of the Panchayat Samiti and elected by the members of such societies for cooption under clause (b) (iii) of section 63 of the Act to be coopted.

Quorum

4. (1) Three-fourth members shall constitute a quorum for the cooption of persons.

(2) If at the first meeting there be no quorum present as specified in sub-rule (1), the Presiding Officer shall adjourn the meeting.

(3) When a meeting is adjourned under sub-rule (2) another meeting shall be convened by the Presiding Officer for the purpose of coopting members by giving three days clear notice to the Primary Members.

(4) Not less than one-half of the number of Primary Members shall constitute a quorum for the second meeting.

(5) If at the second meeting there be no quorum present as specified in sub-rule (4), the Presiding Officer shall adjourn the meeting.

(6) When a meeting is adjourned under sub-rule (5), a third meeting shall be convened by the presiding officer, in the manner specified in sub-rule (3), for the purpose of coopting members.

(7) No quorum shall be necessary for the third meeting.

5. (1) On the day fixed for the meeting, particulars of the persons proposed for cooption shall be furnished, in form 'A' to the presiding officer, by the members proposing and seconding such persons.

Particulars of persons proposed for cooption to be furnished.

(2) Only those persons may be proposed for cooption who are either—

- (i) Panches or Sarpanches of gram Panchayats; or
- (ii) Members of Cooperative societies.

6. (1) The Presiding Officer shall *read* out the particulars of the persons proposed to all the primary members present and also explain to them—

Method of cooption.

- (a) the purpose for which the meeting has been called;
- (b) the number of women, persons belonging to Scheduled Castes and cooperative societies to be coopted;
- (c) the disqualifications and qualifications laid down in sections 64 and 65 of the Act;
- (d) the need to coopt only those persons who have agreed to serve on the Panchayat Samiti, if coopted.

(2) After satisfying himself that the persons whose names have been proposed are eligible for being coopted, the presiding officer, shall if the number of Scheduled Castes candidates or women candidates or persons representing cooperative societies is equal to or less than the number of persons belonging to Scheduled Castes, or the number of women or number of persons representing cooperative societies, as the case may be, to be coopted, declare such candidates to be coopted. Otherwise, he shall call upon the members to decide the cooption of the required number of persons by secret ballot in the manner hereinafter laid down.

7. (1) The presiding officer shall provide in the place where the meeting is held three voting compartments, one for women candidates, one for persons representing cooperative societies and the other for Scheduled Castes candidates, to be coopted, in which members can record their votes without being overseen. The presiding officer shall also provide three sealed ballot boxes, one for the cooption of women, one for cooption of person, of cooperative societies and third for the cooption of Scheduled Castes candidates, and shall place them in such a manner so that they can be seen by him during polling. The ballot boxes shall be so constructed that ballot papers can be introduced therein but can not be withdrawn therefrom without the boxes being unlocked or opened.

Voting and result of cooption.

(2) Immediately before the commencement of the poll, the presiding officer shall show the ballot boxes in open condition, to all the members present, so that they may see that the boxes are empty. The presiding officer shall thereafter lock the ballot boxes and affix his seal upon it in such a manner so as to prevent its being opened without breaking such seals.

(3) Every member wishing to vote shall be supplied with a ballot paper in form 'B' for the cooption of women, a ballot paper in form 'C' for the cooption of persons belonging to Scheduled Castes and a ballot paper in form 'C 1' for the cooption of persons representing cooperative societies, on which names of the contesting candidates shall be provided, typed or legilly written in "Hindi" in an alphabetical order. The ballot

papers shall be signed by the presiding officer before being handed over to the members. The ballot paper for the cooption of Scheduled Castes candidates shall be supplied after the member has exercised his right to vote for the cooption of women candidates, and ballot paper for cooption of persons representing cooperative societies thereafter.

(4) The member shall, on receiving the ballot paper, proceed to the place set apart for voting and there place a cross mark ("X") in column (3) of the ballot paper against the name or names of the candidates for whom he wishes to vote, with a red or blue pencil.

(5) Each member shall have a right to cast as many votes for Scheduled Castes candidates as there are number of persons belonging to such castes to be coopted and as many votes for women candidates as there are number of women to be coopted, and as many votes for persons representing cooperative societies as there are number of persons of cooperative societies to be coopted.

(6) He shall then fold the ballot paper to ensure secrecy, and deposit it in the ballot box.

(7) In case of a member who is illiterate or is physically incapacitated from voting, the presiding officer shall, at his or her request, take him or her to the place set apart for voting, ascertain his or her choice, accordingly mark the ballot paper, fold it to ensure secrecy and deposit it in the ballot box.

(8) The presiding officer shall cause all necessary arrangements to be made as will ensure secrecy of the ballot.

(9) Every member wishing to record his vote shall do so in person and not by proxy.

(10) Immediately after the voting is over, the presiding officer shall open the ballot boxes and count the votes, separately for women, Scheduled Castes and the cooperative societies candidates in the presence of such members as may be present and declare the results in the following manner:—

(a) The candidate who is found to have obtained the largest number of valid votes, or if more than one is to be coopted, the candidates upto the number of persons to be coopted who are found to have obtained the largest number of valid votes shall be declared to have been coopted.

(b) In the event of a number of contesting candidates polling the same number of votes, the presiding officer shall draw lots in the presence of members and the candidate or candidates whose name or names is or are first drawn shall be declared to have been duly coopted.

(11) The result shall be declared in form 'D'.

8. Any ballot paper which bears any mark or signature by which the voter can be identified or on which the mark "X" is placed against more than the number of persons to be coopted or in an ambiguous manner or in contravention of the provisions of sub-rule (5) of rule 7, or which does not bear the signature of the presiding officer prescribed in sub-rule (3) of rule 7, shall be declared invalid.

9. Immediately after the meeting for cooption is over, the presiding officer shall—

(a) Prepare in form "E" a record of proceedings of the meeting and sign it, attesting with his initials every correction made therein and also permit any member present at the meeting to affix his signature or thumb mark to such record, if he so desires; and

Qu Validity of
ballot-
papers.

Preparation
of record
of proceed-
ings and
the publi-
cation of
the result
of election.

- (b) publish on the notice board of the Panchayat Samiti and such other conspicuous place as may be determined by him, a notification signed by him, stating names of members who have been coopted and send a copy of such notification to the Deputy Commissioner for publication in the official Gazette.

FORM 'A'

(See rule 5)

1. Name of the District.....
2. Name of the Panchayat Samiti.....
3. Name of person proposed.....
4. Age.....
5. Sex.....
6. Address.....
7. Caste to which he/she belongs.....
8. Cooperative Society to which he represents.....
9. Full name and address of proposer.. ..
10. Full name and address of seconder.....

Note:—Item 7 is to be filled up only in the case of members of Scheduled Castes and item 8 to be filled only in case of persons representing cooperative societies.

DECLARATION BY PROPOSER AND SECONDER

We, the proposer and seconder, hereby declare that the person proposed does not suffer from any of the disqualifications laid down in section 64 of the Himachal Pradesh Panchayati Raj Act, 1968, and that he/she is willing to serve as a member of the Panchayat Samiti if coopted.

We further declare that the person proposed is eligible under sub-rule(2) of rule 5 of the Himachal Pradesh Panchayat Samitis (Cooption of Members) Rules, 1972 for being coopted as a member.

Date.....

Signature of Proposer
(Name and address)

Signature of Seconder
(Name and address)

FORM 'B'

[See sub-rule (3) of rule (7)]

BALLOT PAPER FOR COOPTION OF WOMEN

Sl. No.	Name and description of the candidate	For mark (X) by voter
1.
2.
3.
4.
5.
6.
7.	etc.

Signature of Presiding Officer.

FORM 'C'

[See sub-rule (3) of rule 7]

BALLOT PAPER FOR COOPTION OF PERSONS
BELONGING TO SCHEDULED CASTES

Sl. No.	Name and description of the candidate	For mark (X) by voter
1.
2.
3.
4.
5.
6.
7.	etc

Signature of the Presiding Officer.

FORM 'C-1'

[See sub-rule (3) of rule 7]

BALLOT PAPER FOR COOPTION OF PERSONS
REPRESENTING COOPERATIVE SOCIETIES

Sl. No.	Name and description of candidate	For mark (X) voter
1.
2.
3.

Signature of Presiding Officer.

FORM 'D'

[See sub-rule (11) of rule 7]

Name of the District.....
 Name of Panchayat Samit.....
 Names of the primary members present:
 (1)
 (2)
 (3) etc.....
 Number of person to be coopted:
 (a) Women (b) Scheduled Castes (c) Cooperative Societies.
 Name and full address of persons coopted.....
 (a) Women:
 (1)
 (2)

(b) Scheduled Castes:

- (1).....
(2).....

(c) Cooperative Societies:

- (1).....
(2).....

Date

Signature of Presiding Officer.

Signature or thumb mark of Primary Member present.

1.
2.
3.
4.
5.
6.
7. etc.

FORM 'E'

(See rule 9)

- / Name of District.....
Name of Panchayat Samiti.....
Date, time and place of meeting.....
Number of primary members present.....
Names of persons, if any, coopted, without election.—
(a) Women: (b) Scheduled Castes: (c) Cooperative Societies:
(1)..... (1)..... (1).....
(2)..... (2)..... (2).....
Name of persons coopted by election.—

- (a) Women: (b) Scheduled Castes: (c) Cooperative Societies:
1..... 1..... 1.....
2..... 2..... 2.....

Signature of Presiding Officer.

PRITPAL SINGH,
Under Secretary.

**EXCISE AND TAXATION DEPARTMENT
NOTIFICATION**

Simla-2, the 28th May, 1973

• **No. 1-4/73-E&T(Sectt).**—In continuation of Himachal Pradesh Government Excise and Taxation Department Notification No. 14-3/67 -E&T-(Sectt), dated the 24th October, 1972, published in the Himachal Pradesh Rajpatra Extraordinary of 26th October, 1972, and in exercise of the powers conferred by sub-section (1) of section 3 of the Himachal Pradesh General Sales Tax Act, 1968, the Governor of Himachal Pradesh is pleased to appoint the Assistant Excise and Taxation Officer, Kangra to assist the Commissioner for carrying out the purposes of the said Act in Kangra district:

Provided that the Assistant Excise and Taxation Officer, Kangra shall function under the control of the Excise and Taxation Officer, Kangra.

P. K. MATTOO,
Secretary.

**REVENUE DEPARTMENT
NOTIFICATIONS**

Simla-2, the 28th May, 1973

No. 9-1/73-Rev. II.—In exercise of the powers conferred by section 51 of the Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation, Act, 1971, the Governor, Himachal Pradesh is pleased to appoint the Deputy Director of Land Records as Director of Consolidation for purposes of hearing appeals under sub-section (iv) of section 30 of the Act against the orders of the Settlement Officer (Consolidation).

By order,
S. R. MAHANTAN,
Deputy Secretary.

Simla-2, the 28th May, 1973

No. 9-1/73-Rev. II.—In supersession of all previous notifications issued in this behalf and in exercise of the powers conferred upon him under section 52 of the Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Act, 1971, the Governor, Himachal Pradesh is pleased to delegate the powers of the State Government under section 54 of the said Act to the Director, Consolidation of Holdings, Himachal Pradesh with immediate effect.

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.